

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.917 of 2018

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Nand Lal Prasad Son of Late Yogendra Prasad Resident of Mairwa, South of
Railway Station Chowk, P.O. and P.S. Mairwa, District Siwan Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Circle Officer, Mairwa, Siwan.
5. The Officer-in-Charge, Mairwa Police Station - Mairwa, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Adv. Mr. Ajay Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 27-07-2022 The present writ petition has been filed for restoring part of the residential structure constructed over the raiyati land of the petitioner herein, which has been forcefully and illegally, without any proceeding, demolished by the Respondent no. 4 i.e. the Circle Officer, Mairwa, Siwan.

In pursuance of the earlier orders of this Court, a counter affidavit has been filed today sworn by the District Magistrate, Siwan wherein an inquiry report has been annexed as Annexure-A,



which is dated 22.7.2022 wherein it has been stated that neither any order has been passed by the Circle Officer, Mairwa, Siwan for demolishing any portion of the house of the petitioner nor any proceeding has been drawn against the petitioner inasmuch as the matter pertains to the raiyati land of the petitioner and not Government / public land.

In such view of the matter, the learned Senior Counsel for the petitioner submits that the petitioner be granted liberty to approach the District Magistrate, Siwan, by filing appropriate representation as also electronic evidence regarding demolition of the part of the house of the petitioner by the Circle Officer, Mairwa, Siwan, & the District Magistrate, Siwan be directed to take appropriate action within a stipulated time frame.

The learned counsel for the Respondent-State, Sri Dhurjati Kumar Prasad (GP-14), submits that in case, the petitioner approaches the District Magistrate, Siwan, a detailed inquiry would be made and in case, it is found that any official of the district administration is having any complicity in



the matter, he shall be suitably punished.

Accordingly, the present writ petition stands disposed of with liberty to the petitioner to file appropriate representation along with the electronic evidence, as aforesaid, before the District Magistrate, Siwan within a period of four weeks from today, whereupon the District Magistrate, Siwan shall conduct an inquiry and pass appropriate orders within a period of eight weeks, thereafter.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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